



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/863,299

05/24/2001

Toyonori Sasaki

103007.01

9529

25944

7590

10/23/2002

OLIFF & BERRIDGE, PLC  
P.O. BOX 19928  
ALEXANDRIA, VA 22320

EXAMINER

NGHIEM, MICHAEL P

ART UNIT

PAPER NUMBER

2861

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/863,299

Applicant(s)

SASAKI, TOYONORI

Examiner

Michael P Nghiem

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,46-54 and 56-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,46-52 and 62-68 is/are allowed.
- 6) ☒ Claim(s) 53,56 and 57 is/are rejected.
- 7) ☒ Claim(s) 54,58-61,69 and 70 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/280,056.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

The Amendment filed August 9, 2002 has been acknowledged.

### ***Terminal Disclaimer***

1. The terminal disclaimer filed on August 9, 2002 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent 6,270,207 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 53, 56, and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by Shinada et al. (US 5,790,158).

Shinada et al. discloses the all the limitations of the invention:

- an ink cartridge (Figs. 15a, 15b) for holding ink supplied to a recording head, comprising:

- a case (casing of 501) having, a first surface (bottom surface of 501) on the outside of the case and a second surface (top surface of 501) on the outside of the case in opposition (Figs. 15a, 15b), the first and second surfaces are open (with lid 516 removed);

- a partitioning wall (510) for separating the interior of the case into an ink chamber (512) for holding ink and an atmosphere connection path (511) communicating to the outside of the case, wherein the ink chamber is open on the first surface and the second surface sides (Figs. 15's); and

- a first cover (bottom wall of 501) for covering the first surface of the case so that a path (519) is formed for communicating between the ink chamber and the atmosphere connection path (Fig. 15a);

- a cartridge case having a first side wall (left side wall of 501, Fig. 15a) and a second side wall (right side wall of 501, Fig. 15a) opposed to the first side wall;

- said first partitioning wall (510 of 504) positioned substantially parallel to the first side wall (Fig. 15a) of the case so as to separate the interior of the cartridge case into a first chamber (511 of 504) and a second chamber (512 of 504) for respectively accommodating ink (Fig. 15a);

- a second partitioning wall (510 of 505) positioned substantially parallel to the first side wall (Figs. 15a, 15b) of the case for separating the interior of the case into a

Art Unit: 2861

first chamber (512 of 505) and an atmosphere connection path (511 of 505) for communicating with an atmosphere outside the case, wherein one end of the second chamber communicates with one end of the first chamber (via 519 of 504), one end of the atmosphere connection path communicates with the other end of the first chamber (519 of 505) and the other end of the atmosphere connection path is open to the outside of the case (via 515 of 505);

- the atmosphere connection path is divided between the first side wall and the second partitioning wall (Fig. 15a), and the second chamber (512 of 504) is divided between the second side wall and the first partitioning wall (Fig. 15a).

#### ***Allowable Subject Matter***

3. Claims 54, 58-61, 69, and 70 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 1, 46-52, 62-68 are allowed.

#### ***Reasons For Allowance***

5. The combination as claimed wherein an ink cartridge including the first chamber and the second chamber communicating with each other near the second

Art Unit: 2861

surface inside the case such that the ink is filled in the first chamber through the second chamber from the ink filling hole (claims 1, 62) or a cover for covering the second surface, the cover having an ink supply hole formed therein (claim 51) or wherein one of the first chamber and the second chamber is covered by the first cover and the other of the chambers is covered by the second cover (claim 54) or the ink in the first chamber passes through the second chamber and is supplied to the recording head from the ink supply hole (claim 58) or a third partitioning wall that is joined to the lower ends of the first partitioning wall and the second partitioning wall while extending in a direction substantially perpendicular to the first side wall (claim 60) or a path for connecting the first chamber and the atmosphere connection chamber, formed in the upper case surface (claim 66) or an ink supply hole joined to the recording head, formed in the second cover so as to communicate with the ink chamber (claim 69) is not disclosed, suggested, or made obvious by the prior art of record.

### ***Response to Arguments***

6. Applicant's arguments filed on August 9, 2002 have been fully considered but they are not persuasive.

With respect to the 35 USC 102 rejection, Applicants argue that Shinada does not disclose or suggest a second portioning wall as recited in claim 56.

Examiner's position is that Shinada discloses a second partitioning wall (510 of 505) for separating the interior of the case (Fig. 16).

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

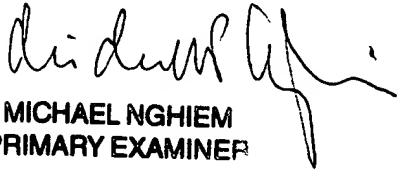
### ***Contact Information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (703) 306-3445. The examiner can normally be reached on M-H from 6:30AM – 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached at (703) 308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-5841 for After Final communications.

• Art Unit: 2861

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink, appearing to read "Michael Nghiem", written over the printed name and title.

**MICHAEL NGHIEM**  
**PRIMARY EXAMINER**

Michael Nghiem

October 21, 2002